



Report of the Working Group on the Impact of Court Unification on Court Facilities

State of California ♦ Task Force on Court Facilities

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Court Unification Working Group Report

State of California Task Force on Court Facilities

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REPORT OF THE WORKING GROUP
ON THE IMPACT OF COURT UNIFICATION ON COURT FACILITIES
TO THE TASK FORCE ON COURT FACILITIES

The Task Force on Court Facilities may benefit from a few guidelines that highlight some of the new opportunities created by trial court unification. In drafting these, the working group assumes that the guidelines to be adopted will be in much the same format as the standards found in the Judicial Council's *California Trial Court Standards* (1991) ("the black book"). The new set of guidelines will no doubt begin with a list of general guidelines where some of these might be placed.

Five recommended guidelines are found below:

1. Although a unified superior court must perform all court functions, it does not follow that every court building in a county must be made suitable for every function. By shifting court functions among existing locations, a unified court can make the maximum use of existing facilities. Court planners should look to whether a given facility could be recycled to a new use that does not require all of the features of a full-service court building.

Discussion: Before unification, every municipal court was required by law to handle everything from traffic tickets to misdemeanor jury trials and felony preliminary hearings. No more. In a unified superior court, the court administration is free to “reshuffle the deck” and reassign court functions around the county. Unification allows planners to rethink what functions should be performed where. Criminal matters—which require holding cells and other security measures—may no longer be feasible at some older facilities, but those facilities might be fine for other functions.

2. When evaluating court-facility needs, planners should think in terms of various courthouse “models.” Some of these are:

- Full-service court buildings
- Civil-only buildings
- Criminal all-purpose buildings
- Criminal arraignment and pretrial buildings
- Community courts, mini-courts and neighborhood courts
- Remote courts
- Specialty courts
- Alternatives to courtrooms

3. Court planners should give a broad definition to the term “court facility” and consider such alternatives as service centers, kiosks and walk-in courts.

Discussion: This proposed standard may overlap with recommendations proposed by the technology working group. Some alternatives to courtrooms are high-tech but others need not be. Mini-courts (with a judge there one or two days a week) could provide outlying areas with better access to the courts. Technology is already available which allows a judge at any location to read the pleadings in a court file by computer.

4. When choosing the location of a court facility, planners should consider the distance between court buildings, the driving time from population centers, and population density. Every community of more than 20,000 people should have ready access to a facility where people can deal with traffic tickets, small claims, and non-jury civil matters.

Discussion: Court unification was promoted as a way to make the courts more efficient. The voters were assured that it would result in better service to the community. Although it may be impractical to perform all court functions in every community, the working group feels that all communities should have access to what the people care about most.

The working group also believes that a standard of this sort should not just refer to some generalized goal—it should refer to a community of a specific size (such as 20,000 people) and it should specify what court matters will be handled in every such community. The group also suggests that driving time to a court facility is a better guide than mileage.

Because criminal matters require holding cells and higher security, it is unrealistic to expect that they will be handled in every community. However, a proposed standard below suggests an alternative way to deal with criminal arraignments—locate them in a facility at or near the police departments and jails.

5. Once the courts of a county are unified, criminal arraignments may be conducted at locations other than the former municipal courts. Planners should consider a regional arraignment court at the county jail if that is where newly- arrested defendants are held. Another alternative is to provide arraignment courts at city jails.

Discussion: Many arraignments involve defendants picked up on traffic warrants, failures-to-appear, and minor misdemeanor offenses. Some defendants are likely to be released at their first court appearance. The public saves money when these arraignments can be conducted as soon as possible at the location where the defendants are held, rather than transporting the defendants to a court building elsewhere.

A possible result of court unification is that some of the former municipal courts (often located next to a city jail) will no longer handle criminal matters. Some court buildings may not be adequate to conduct criminal matters. A city might save money by furnishing a space within the city jail where arraignments can be conducted, perhaps by video.